

Mr. Millar.

COAL-MINES ACT AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Coal-mines Act, 1891" (hereinafter Title.
called "The Principal Act").

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Coal-mines Act Short Title.
Amendment Act, 1896," and it shall be read with the principal Act.

REGULATION OF MINES.

10 2. The Governor may from time to time appoint such competent Inspectors.
persons as he shall think fit to be Inspectors of Mines under this Act, and may from time to time allocate to such persons respectively localities within which they shall exercise their functions.

15 All persons who at the date of the coming into operation of this Act may be Inspectors of Mines under "The Coal-mines Act, 1886," shall be and shall be deemed to be Inspectors of Mines under this Act.

20 No Inspector under this Act shall be allowed to hold any interest whatever in any mine in the locality in which he is authorised to act.

25 No Inspector shall act or practice as a land agent or as a manager, viewer, or agent, or mining engineer, or a valuer of land, or arbitrator in any matter of dispute arising between owners of mines, or be employed in any way in any mine otherwise than in his official capacity under this Act.

30 Nothing in this Act contained shall be deemed to abridge or annul any of the provisions of "The Inspection of Machinery Act, 1882," or any Act amending the same, nor to affect the duties of any Inspectors appointed under the said Acts in relation to the inspection in mines of machinery and boilers coming within the

operation of the Acts last aforesaid; but every Inspector of Mines shall have the same powers as the aforesaid Inspectors, and it shall be their duty regularly to inspect all machinery in mines, excepting steam-engines and boilers, and to see that such machinery is safe in all its parts and in good working-order.

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Every Inspector of Mines shall be the holder of a first-class mine-manager's certificate, and shall have been in charge of a coal-mine for not less than five years.

Certificates.

3. On and after the passing of this Act every person employed as or acting in the capacity of an underviewer, deputy, fireman, or roadsman shall be the holder of a certificate of competency.

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Examinations for certificates for any of the above-mentioned grades shall be held by any Inspector of Mines in such subjects as may be prescribed by regulation to test the competency of the applicant.

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Upon satisfactorily passing such examination any applicant shall receive a certificate forthwith from the Inspector.

Underviewer,
deputy, fireman, or
roadsman.

4. In every coal-mine there shall be one underviewer, deputy, fireman, or roadsman for every sixteen miners employed on the coal-faces.

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Disqualification.

5. Any person holding a certificate of competency or of service as a mine-manager, engine-driver, underviewer, deputy, fireman, or roadsman, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, may be called upon by the Board of Examiners to show cause why he should not be disqualified as a certificated mine-manager, engine-driver, underviewer, deputy, fireman, or roadsman, and, if he fails to satisfy the said Board, he may, by an order of the Governor in Council published in the *Government Gazette*, be disqualified for any period from acting as a mine-manager or as an engine-driver.

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No person shall, after such order, deliver into the charge of the said mine-manager, or to any underviewer, deputy, fireman, or roadsman, any mine during the period of such disqualification; and no person shall, after such order, deliver into the charge of the said engine-driver any machinery during the period of his disqualification; and no such mine-manager or engine-driver shall, during the period of such disqualification, take charge of any mine or machinery in which steam, water, or air, or any two or more of them, are used as motive-power.

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Penalty for acting
without certificate,
or while disqualified.

6. Any person acting in the capacity of mine-manager, except as provided in this Act, or acting as engine-driver in charge of any winding engine or winding machinery for the descent or ascent of any persons to or from a mine, or as an underviewer, deputy, fireman, or roadsman, without a certificate of competency or of service obtained under, or while he is disqualified under the provisions of this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding *five* pounds for every day during which he shall act in such capacity. And any person who shall employ any uncertificated or disqualified mine-manager, engine-driver, underviewer, deputy, fireman, or roadsman, shall be deemed guilty of an offence against this Act, and shall be liable to a penalty not exceeding *five* pounds for every day during which he shall employ such uncertificated or disqualified mine-manager or engine-driver.

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Every person acting as manager or as engine-driver in charge of any winding gear or machinery, or as an underviewer, deputy, fireman, or roadsman, shall, on demand of any Inspector of Machinery, or other person authorised by the Minister, produce his certificate of competency or of service.

Production of certificate.

7. No youth shall be employed as lander or braceman at any time at a brace set over any shaft. No boy or youth shall be employed for more than forty-six hours in any week, inclusive of the time allowed for meals, nor more than eight hours in any day, except in cases of emergency.

Employment of youths.

But no person shall be deemed guilty of an offence against this Act for a contravention of that part of this section relating to the time for which persons shall not be employed below ground if he prove before any two Justices not being interested in any mine in which such person or persons are employed that there were special circumstances to render such contravention necessary for the proper working of the mine, and that such contravention was not injurious to the workmen employed in the mine.

Proviso.

8. The following general rules shall, so far as may be reasonably practicable, be observed in every mine:—

Ventilation.

(1.) An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shafts, winzes, sumps, levels, underground stables, and working-places of such mine, and the travelling-roads to and from such working-places, shall be in a fit state for working and passing therein.

An adequate amount of ventilation shall mean not less than one hundred cubic feet of pure air per minute for each man and youth, and six hundred cubic feet for every horse, pony, donkey, or mule, which shall sweep undiminished along the airway through each working-place.

Every Inspector shall, when inspecting any mine, test the amount of ventilation in every part of the workings in such mine by means of an anemometer, and shall make a report of the same upon a printed form for that purpose, a copy of which shall be posted up in some part of the mine where it can be seen by any person working in the mine. Such inspection shall only take place when the mine is working in its ordinary manner.

A full copy of the Inspector's report upon such mine shall, after each inspection, be posted up in some part of the mine accessible to every person employed therein.

(2.) Compressed gunpowder shall only be used in a mine as hereunder provided; that is to say,—

(a.) It shall not be stored on the surface of or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Minister:

Storage of gunpowder.

(b.) It shall not be stored in the mine in any quantity exceeding what would be required for use during one working-day for the purposes of the mine; and, if stored in the mine, it shall be kept in a drive or chamber separated by a door fixed across such drive at least thirty feet from any travelling-road.

Firing of shots.

9. No person under the age of eighteen years shall be allowed to charge a hole with explosives, or to fire any charge of explosives.

All shots shall be fired by an underviewer, deputy, fireman, or roadsman only; and no shot shall be fired in a main haulage-road whilst any miners are at work in the mine.

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Inspection of mine.

10. In every mine, once in every twenty-four hours, if one shift of workmen is employed, and once in every twelve hours, if two shifts are employed during any twenty-four hours, a competent person, or competent persons, who shall be appointed for the purpose, shall, before the time for commencing work in any part of the mine, inspect with a safety-lamp that part of the mine and the roadways leading thereto, and shall make a true report of the condition thereof so far as ventilation is concerned; and the workmen shall not go to work in such part until the same and the roadways leading thereto are cleared from gas by ventilation and stated to be safe.

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When any miner reports gas or other danger to any official, the official shall, as soon as possible, enter the same in the report-book, giving the date and hour when such report was received. He shall then read the same to the person making the report, who shall, if satisfied of its being correct, sign the same jointly with the official to whom he reported.

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Gas.

11. In every mine in which inflammable gas has been found within the preceding twelve months, a station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and a workman shall not pass beyond any such station until the mine or part of the mine beyond the same has been cleared from gas by ventilation and inspected and stated to be safe, and such inspection shall be made within two hours before the time fixed for the miners commencing work with a safety-lamp capable of testing gas to a half per cent.

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Inspection by miners.

12. The Inspector shall appoint in every mine, at the cost of the miners, two of their number to inspect the mine, and the persons so appointed shall be allowed once at least in every week to go to every part thereof, and to inspect the shafts, levels, planes, working-places, return airways, ventilating apparatus, old workings, and machinery; and the owner, agent, and manager, and all persons in the mine, shall afford every facility for the purpose of such inspection, and the persons so appointed shall make a true report to the Inspector of the result of such inspection, and such report shall be recorded in a book to be kept by the men for the purpose, and shall be signed by the persons reporting.

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Joint inspection.

Once at least in every two months a joint inspection shall be held by the Inspector. The manager and the miners appointed, and the report of such inspection, shall be posted at the pit-mouth or other prominent place accessible to the miners.

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Action when mine reported dangerous.

13. If in any respect (which is not provided against by any express provision of this Act, or by any special rule) any Inspector find any mine, or any part thereof, or any matter, thing, or practice in or connected with any such mine, to be dangerous or defective, so as, in his opinion, to threaten or tend to the bodily injury of any persons, such Inspector may give notice in writing thereof to the owner or agent of the mine, and shall state in such notice the parti-

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culars in which he considers such mine, or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied, and unless the same be forthwith remedied the Inspector shall prosecute the owner or agent, or report the same to the Minister.

14. (1.) The manager of every mine shall keep a record of every accident attended with serious injury to any person employed in or about the mine, and shall forthwith, after the occurrence of any such accident, give a written notice thereof to the Inspector, and also shall forthwith report the same by telegraph message to the Minister; and any manager who omits to keep such record or to give such notice or to telegraph such report shall be deemed to be guilty of an offence against the principal Act.

Accidents.

(2.) Any portion of a mine where a serious accident occurs shall not be interfered with until inspected by the Inspector, or some other person appointed by the Minister or Coroner's jury, unless with the view of saving life or preventing further injury.

15. The Governor may from time to time, by Order in Council, make, alter, or revoke regulations for all matters concerning the administration of this Act, and the conduct of officers and persons engaged therein, and for securing safety and the prevention of accidents, and among other things for—

Regulations.

(1.) Prescribing terms and conditions for the issue of certificates of competency for manager of a mine, and of engine-drivers in charge of any winding gear for letting down or bringing up persons from mines, or for underviewers, deputies, firesmen, or roadmen;

(2.) Regulating the examinations to be held with respect to the necessary knowledge and requirements in working a mine for the purpose of ascertaining the fitness of any person applying for any such certificate;

(3.) Regulating the management and administration of the funds and moneys mentioned or referred to in section sixty-nine of the principal Act.

16. Section seventy-two of the principal Act is hereby amended by the addition of the following words at the end thereof: "The power to appoint such check-weigher may, at the request of a majority of the persons employed in the mine, be delegated to any industrial union of workmen or miners' association in the district where such mine is situated, but such union or association shall incur no liability whatever in respect of such check-weigher or the payment of his wages."

Amendment of section 72 of "The Coal-mines Act, 1891."

It shall be the duty of the owner or agent of any mine where more than seven men are employed to supply the weights and machines referred to in section seventy-four of the principal Act; and, if he fails or neglects so to do, he shall be deemed to be guilty of an offence against the principal Act.

17. Sections eighteen, twenty-five, twenty-six, twenty-eight, thirty-three, subsection one, and clauses (c), (d), (h), (i), (j), (k) of subsection two, and subsections forty, forty-one, forty-six, and sections forty-nine, fifty-five, and sixty-six of the principal Act are hereby repealed.

Repeals.

Appendix.

APPENDIX.

Special rules.

SPECIAL RULES APPLICABLE TO ALL COAL-MINES.

MANAGER.

THE mine, and all the operative details of the management thereof, shall be under the control and daily supervision of the manager, whose duty it shall be to carry out, and see carried out, the various provisions of any Act for the time being in force for the regulation of mines, so far as incumbent upon him or those acting under his control or direction, and to see that the mine is properly ventilated, and that sufficient materials and appliances are always provided for the proper carrying-out of all necessary operations. He shall be responsible for the appointment of a sufficient number of competent persons to carry out the requirements of the Act and the special rules, and also to see that the working of the mine is carried on with all reasonable provisions for the safety of the persons employed.

2. The manager shall take all reasonable means for carrying out the requirements of the Act and special rules by publishing and, to the best of his power, enforcing them.

3. The manager shall see that an adequate amount of ventilation is constantly produced in the mine, to dilute and render harmless noxious gases to such an extent that the working-places of the shafts, levels, stables, and workings of the mine, and the travelling-roads to and from such working-places, shall, so far as is reasonably practicable, be in a fit state for working and passing therein.

4. The manager shall see that an ample supply of timber, props, sprags, bricks, lime, sand, ropes, brattice-cloth, and other requisite materials are always on the premises, and the underviewer shall see that the same are distributed, and also report any deficiency.

5. The manager shall see that all the provisions contained in this Act as to the employment of boys and male young persons are strictly enforced.

6. The manager must see that the signals for moving the cages are painted upon a board and placed in a conspicuous position.

6A. The manager shall not permit any person to have charge of any coal-face or pillar-workings who has had less than two years' experience in a coal-mine, certificate of length of service to be given by the manager to every person upon leaving his employment.

6B. The manager shall see that every return airway shall be of such size as may be fixed by Order in Council, and such airway shall be travelled, at least once a week, by every person working in the mine.

6C. Every manager of a mine shall see that no coal-dust is allowed to accumulate in the mine.

6D. Whenever it is considered necessary by the manager to use safety-lamps in any working-place or -places in the mine, then every miner in that district of the mine shall be compelled to use them.

6E. On beginning work at every shift miners and others shall be bound to satisfy themselves concerning the safety of their working-places, independently of such intimation as aforesaid, and they shall thereupon work at their appointed coal-faces or other work continuously, industriously, and without unnecessary intermission while the shift continues, and shall obey the orders applicable to the safe and proper prosecution of the colliery works given them by the mine-manager, overman, or other person for the time being placed over them.

Eight hours from pit-mouth to pit-mouth shall constitute a shift.

Special Regulations Nos. 1, 2, 3, 4, 5, 6, and 33 are hereby repealed.